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Aktiengesellschaft, Werner Baumann, Werner
Wenning, Liam Condon, Johannes Dietsch, and
Wolfgang Nickl*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SHEET METAL WORKERS' NATIONAL
PENSION FUND and INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
LOCAL NO. 710 PENSION FUND,
individually and as Lead Plaintiffs on behalf
of all others similarly situated, and

INTERNATIONAL UNION OF
OPERATING ENGINEERS PENSION
FUND OF EASTERN PENNSYLVANIA
AND DELAWARE, individually and as
Named Plaintiff, on behalf of all others
similarly situated,

Plaintiffs,

vs.

BAYER AKTIENGESELLSCHAFT, WERNER
BAUMANN, WERNER WENNING, LIAM
CONDON, JOHANNES DIETSCH, and
WOLFGANG NICKL,
Defendants.

Case No: 3:20-cv-04737-RS

CLASS ACTION

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER REGARDING
HEARING ON MOTION TO DISMISS**

Ctrm: 3 – 17th Floor
Judge: Richard Seeborg

Pursuant to Civil Local Rule 7-12, Lead Plaintiffs Sheet Metal Workers' National Pension Fund and International Brotherhood of Teamsters Local No. 710 Pension Fund and Additional Named Plaintiff International Union of Operating Engineers Pension Fund of Eastern Pennsylvania and Delaware ("Plaintiffs") and Defendants Bayer Aktiengesellschaft, Werner Baumann, Werner Wenning, Liam Condon, Johannes Dietsch, and Wolfgang Nickl ("Defendants," and together with Plaintiffs, the "Parties"), by and through their undersigned counsel, submit the following stipulation and proposed scheduling order.

WHEREAS, on July 15, 2020, a putative class action complaint was filed by City of Grand Rapids General Retirement System and City of Grand Rapids Police & Fire Retirement System against Defendants alleging violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5, promulgated thereunder (ECF No. 1);

WHEREAS, on October 21, 2020, the Court appointed Sheet Metal Workers' National Pension Fund and International Brotherhood of Teamsters Local No. 710 Pension Fund as Lead Plaintiff and approved Cohen Milstein Sellers & Toll PLLC as Lead Counsel and Berman Tabacco as Liaison Counsel on behalf of the class (ECF No. 44);

WHEREAS, on January 19, 2021, Plaintiffs filed their Amended Complaint (ECF No. 47);

WHEREAS, on March 22, 2021, Defendants filed their Motion to Dismiss the Amended Complaint and Request for Judicial Notice (ECF Nos. 61-62);

WHEREAS, on May 21, 2021, Plaintiffs filed their Opposition to Defendants' Motion to Dismiss and Opposition to Defendants' Request for Judicial Notice (ECF Nos. 73-74);

WHEREAS, on June 7, 2021, the Court continued the Hearing on the Motion to Dismiss the Amended Class Action Complaint, previously scheduled for July 15, 2021, to August 5, 2021 at 1:30 p.m. (ECF No. 77);

WHEREAS, on June 21, 2021, Defendants filed their reply in support of their Motion to Dismiss (ECF Nos. 78-79);

WHEREAS, due to scheduling conflicts surrounding the August 5, 2021 hearing date, Lead Plaintiffs' counsel sought Defendants' consent to file a stipulated request for a new hearing date from the Court, rescheduling the hearing for Thursday, September 30, 2021, at 1:30 p.m.;

1 WHEREAS, Lead Plaintiffs' counsel and counsel for Defendants have conferred regarding
2 the mutual acceptability of the requested rescheduled hearing date on the Motion to Dismiss;

3 WHEREAS, Defendants' counsel stated their non-opposition to the Lead Plaintiffs' requested
4 alternative hearing date;

5 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
6 Plaintiffs and Defendants and subject to the Court's availability and approval, as follows:

7 1. The hearing on the Motion to Dismiss shall be set for Thursday, September 30, 2021 at
8 1:30 p.m. in Courtroom 3 on the 17th floor; and

9 2. The Case Management Conference shall be rescheduled for a date five weeks after the
10 Court issues its Order on the Motion to Dismiss. A Joint Case Management Conference Statement
11 shall be filed five court days in advance of the Case Management Conference.

12
13 Dated: June 28, 2021

BERMAN TABACCO

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17 *of Teamsters Local No. 710 Pension Fund, and*
18 *Additional Named Plaintiff International Union of*
19 *Operating Engineers Pension Fund of Eastern*
20 *Pennsylvania And Delaware Local No. 542*

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13 *Werner Baumann, Werner Wenning, Liam Condon,*
14 *Johannes Dietsch, and Wolfgang Nickl*

~~[PROPOSED]~~ ORDER GRANTING STIPULATION

Pursuant to stipulation and for good cause shown, IT IS SO ORDERED.

Dated: 6/28/2021


HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE